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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/728,842 728,942
Filing Date	December 1, 2000
First Named Inventor	John M. Pinneo
Group Art Unit	1775
Examiner Name	Archene A. Turner
Attorney Docket Number	P1-008

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply 03/05/2003 SZEWDIE1 00000084 09782842
- ii. ☐ Affidavit(s)/Declaration(s) 01 FC:2801 375.00 OP
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees; or credit any overpayments, to Deposit Account No. 50-0612
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 430.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Nicole E. Coppes-Gathly	Registration No. (Attorney/Agent)	46,640
Signature	<i>Nicole E. Coppes-Gathly</i>	Date	February 24, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Stephanie Davis	Date	February 24, 2003
Signature	<i>Stephanie Davis</i>		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1775

Examiner: Archene A. Turner

Serial No.: 09/728,942

Filed: December 1, 2000

In re Application of: John M. Pinneo

For: FILLED DIAMOND FOAM MATERIAL AND METHOD OF FORMING
SAME

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to Director of Patents, Washington, D.C. 20231 on 2/24/03, Signed Stephanie Davis
Stephanie Davis

PRELIMINARY AMENDMENT

Director of Patents
Washington, D.C. 20231

Dear Sir:

The following is being submitted as a Preliminary Amendment for the Request for Continued Examination (RCE) and is in response to the Final Office Action dated November 6, 2002. Please amend the application as follows:

In the Claims:

Please amend the application as provided in the attached marked-up version. A "clean" version is provided here:

- CI
1. An article comprising diamond deposited on a ceramic framework material substrate, said framework material substrate at least partially filled with a filler material.